

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Government Decree on Waste Electrical and Electronic Equipment (519/2014; amendments up to 1026/2021 included)

By decision of the Government, the following is enacted under the Waste Act (646/2011) as well as under section 16, as amended by Act 252/2005, and section 52, subsection 4 of the Environmental Protection Act (86/2000):

Section 1 (1026/2021)

Scope of application

This Decree lays down provisions on measures to reduce the quantity and harmfulness of waste from electrical and electronic equipment, to promote preparing for re-use, recycling and other recovery of waste electrical and electronic equipment, and to improve the quality of treatment of such waste.

This Decree applies to electrical and electronic equipment falling within categories of equipment referred to in Annex 2, taking into account that electrical and electronic equipment always falls within one of the specified categories of equipment.

By way of derogation from subsection 2, this Decree does not, however, apply to the following electrical and electronic equipment:

- 1) arms, munitions and war material and other equipment intended for protecting essential national security interests referred to in section 4, subsection 1 of the Waste Act (646/2011);
- 2) equipment which is specifically designed and installed as part of other equipment to which this Decree does not apply and which only functions as intended if it is part of that equipment;
- 3) filament bulbs;
- 4) equipment designed to be sent into space;
- 5) large-scale stationary industrial tools;

- 6) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
- 7) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;
- 8) non-road mobile machinery made available exclusively for professional use;
- 9) equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- 10) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.

Section 2

Definitions

For the purposes of this Decree:

- 1) *electrical and electronic equipment* means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents or fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current;
- 2) *large-scale stationary industrial tool* means a large-size assembly of machines, equipment or components:
 - a) functioning together for a specific application;
 - b) permanently installed and de-installed by professionals at a given place; and
 - c) used and maintained by professionals in an industrial manufacturing facility or research and development facility;
- 3) *large-scale fixed installation* means a large-size combination of several types of apparatus and, where applicable, other devices, which:
 - a) are assembled, installed and de-installed by professionals;

- b) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
- c) can only be replaced by the same specifically designed equipment;
- 4) *non-road mobile machinery* means machinery, with an on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;
- 5) *waste electrical and electronic equipment* means electrical or electronic equipment which is waste referred to in section 5 of the Waste Act, including components, sub-assemblies and consumables which are part of the product at the time of discarding;
- 6) *producer* means any natural or legal person who, irrespective of the selling technique used:
- a) is established in Finland and manufactures, has designed or has manufactured electrical and electronic equipment and markets it under its own name or trademark in Finland; resells under its own name or trademark in Finland electrical and electronic equipment produced by others; places on the market in Finland, on a professional basis, electrical and electronic equipment from another Member State of the European Union or from a third country; or sells electrical and electronic equipment by means of electronic or other distance selling directly to households or to other users in another Member State of the European Union or in a third country;
- b) is established in another Member State of the European Union or in a third country and sells electrical and electronic equipment by means of distance selling directly to users in Finland;
- 7) *making available on the market* means any supply of electrical and electronic equipment for distribution, consumption or use on the market in Finland in the course of a commercial activity, whether in return for payment or free of charge;
- 8) *placing on the market* means the first making available of electrical and electronic equipment on the market in Finland on a professional basis;
- 9) *product distributor* means any natural or legal person in the supply chain, who makes electrical and electronic equipment available on the market;

- 10) *removal* means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process; a hazardous substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;
- 11) *medical device* means a medical device or accessory referred to in section 5, subsection 1, paragraph 1 of the Medical Devices Act (629/2010) which is electrical and electronic equipment;
- 12) *in vitro diagnostic medical device* means a device or accessory referred to in paragraph 3 of the subsection specified in paragraph 11 which is electrical and electronic equipment;
- 13) *active implantable medical device* means a device referred to in paragraph 2 of the subsection specified in paragraph 11 which is electrical and electronic equipment;
- 14) *hazardous substance* means a substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 (*CLP Regulation*) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006: hazard classes 2.1–2.4, 2.6 and 2.7; hazard class 2.8, types A and B; hazard classes 2.9, 2.10 and 2.12; hazard class 2.13, categories 1 and 2; hazard class 2.14, categories 1 and 2; hazard class 2.15, types A–F; hazard classes 3.1–3.6; hazard class 3.7, adverse effects on sexual function and fertility or on development; hazard class 3.8, effects other than narcotic effects; hazard classes 3.9 and 3.10; hazard class 4.1; hazard class 5.1;
- 15) *hazardous mixture* means a mixture that fulfils the criteria for any of the hazard classes or categories set out in Annex I to the CLP Regulation referred to in paragraph 14.

However, whoever exclusively provides financing under or pursuant to a loan, lease, hiring or deferred sale agreement or arrangement relating to electrical and electronic equipment is not deemed to be a producer, whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place.

Section 3

Design and manufacture of electrical and electronic equipment

Manufacturers and placers on the market of electrical and electronic equipment shall, in addition to the provisions of section 9 of the Waste Act on products and their design, manufacture and placing on the market, ensure that the design and manufacture of the equipment does not involve methods that intentionally make it difficult to repair, upgrade or re-use used electrical and electronic equipment or to dismantle or recycle waste electrical and electronic equipment, unless this presents overriding advantages with regard to the protection of the environment and safety.

Electrical and electronic equipment shall also be designed and manufactured so as to ensure that the user or an expert independent of the manufacturer can readily remove the battery or accumulator of the equipment. The equipment shall bear or be accompanied by instructions showing how to safely remove the battery or accumulator and, where appropriate, specifying the type of the battery or accumulator. The provisions on the removal of the battery or accumulator do not, however, apply where, for safety, data integrity, performance or medical reasons, continuity of power supply is necessary and requires a permanent connection between the equipment and the battery or accumulator.

Section 3 applies from 1 November 2015.

Section 4 (1026/2021)

Collection rate

Producers shall ensure that the annual collection rate of separately collected waste electrical and electronic equipment is at least 65 per cent by weight.

The collection rate shall be calculated by dividing the weight of waste electrical and electronic equipment separately collected in Finland in a given calendar year by the average weight of the electrical and electronic equipment placed on the market in Finland in the three preceding calendar years, and shall be expressed as a percentage.

Waste electrical and electronic equipment other than waste electrical and electronic equipment from households, the separate collection and other waste management for which has been organised by the equipment holder, is taken into account when calculating the collection rates referred to in subsection 1 and assessing whether they are met if information submitted for the purpose of monitoring and supervision of this Decree collected by the Centre for Economic Development, Transport and the Environment for Pirkanmaa reliably indicates that the waste management organised by the equipment holder meets the requirements laid down in this Decree.

Section 5

General requirements concerning separate collection

The separate collection of waste electrical and electronic equipment shall be organised in such a way that:

- 1) at reception points, it is ensured that equipment prepared for re-use is separated from other waste electrical and electronic equipment prior to the transport of waste to another location by providing enterprises and entities carrying out re-use with an equal opportunity to assess the functionality of and purchase equipment and by also otherwise developing the activities to promote preparing for re-use taking, in addition, into account the provisions of section 11a of the Waste Act; (1026/2021)
- 2) in the separate collection and transport of waste electrical and electronic equipment, it is ensured that there are optimal conditions for preparing for re-use, recycling and the removal of hazardous substances, mixtures and components from waste;
- 3) minimises the disposal of waste electrical and electronic equipment as mixed municipal waste and ensures the other appropriate treatment of separately collected waste.

Subsection 1, paragraph 1 above does not apply to reception points for waste electrical and electronic equipment organised by distributors in accordance with section 56 of the Waste Act.

Section 6

Organisation of reception

The producer shall organise the reception of household waste electrical and electronic equipment in such a way that the following minimum requirements for the level of service and accessibility are met:

- 1) the delivery of waste to a reception point is, in accordance with section 49, subsection 1 of the Waste Act, free of charge and effortless for holders and other deliverers of waste;
- 2) taking account of population density, there is equal regional access to reception points across the country;
- 3) reception points accept all separately collected waste electrical and electronic equipment delivered to them;

- 4) the network of reception points contains at least 400 fixed reception points organised by a producer;
- 5) there is at least one fixed reception point in each municipality.

If the requirements for the level of service and accessibility laid down in subsection 1 are met in other respects, the fixed reception point referred to in paragraph 5 may be replaced with a mobile reception point, pickup service or another equivalent collection arrangement.

The producer shall also organise the reception of waste electrical and electronic equipment other than household waste electrical and electronic waste by allocating for holders and other deliverers of such equipment a reception system that meets the requirements laid down in subsection 1, paragraphs 1–3. Provisions on exemptions from cost responsibility of producers concerning the organisation of the reception of waste electrical and electronic equipment other than household waste electrical and electronic equipment are laid down in section 53, subsection 1 of the Waste Act.

Provisions on the distributor's obligation to accept household waste electrical and electronic equipment and transfer it to a carrier or treatment operator acting on behalf of the producer are laid down in section 56 of the Waste Act.

Producers and distributors are not obliged to accept household waste electrical and electronic equipment that is contaminated in such a way that may present a health or safety risk to personnel responsible for reception of waste.

Section 6, subsection 1, paragraphs 4 and 5 apply from 1 January 2015.

Section 7

Storage and treatment

The storage and treatment of separately collected waste electrical and electronic equipment shall be organised as follows:

- 1) removing fluids from waste other than waste delivered for preparing for re-use and treating the waste also in other ways in accordance with Annex 3;
- 2) ensuring that the storage and treatment site of waste meets the requirements of Annex 4;
- 3) using best available techniques;

- 4) ensuring that the recovery targets laid down in section 8 are met;
- 5) where possible, complying with Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC;
- 6) promoting the development and introduction of new treatment methods to reach the targets set for the re-use of whole appliances or their components and for recovery of waste.

Separately collected waste electrical and electronic equipment may not be delivered for disposal if the waste has not been treated in accordance with the provisions of subsection 1, paragraphs 1–3. Provisions on the prohibition of incineration or landfilling of waste collected separately for preparing for re-use or recycling are laid down in section 15a of the Waste Act. (1026/2021)

Record-keeping in accordance with section 118 of the Waste Act concerning the storage and other treatment of waste electrical and electronic equipment shall include information also on the quantity of waste and its components, materials and substances delivered for preparing for re-use, recycling or other treatment and delivered elsewhere after treatment.

Section 8

Recovery targets

The recovery of separately collected waste electrical and electronic equipment shall be organised in such a way that the minimum targets in accordance with Annex 5 for preparing for re-use, recycling or other recovery are met.

The achievement of the recovery targets shall be assessed, for each category of electrical and electronic equipment, by dividing the weight of the waste electrical and electronic equipment delivered to the preparing for re-use, recycling or other recovery facility, after treatment in accordance with section 7, subsection 1, paragraph 1, by the weight of equivalent separately collected waste electrical and electronic equipment. Sorting and storage prior to waste recovery as well as other equivalent preliminary activities shall not count towards the achievement of the targets. The assessment of the recovery targets shall, in addition, comply with Commission Implementing Decision (EU) 2019/2193 laying down rules for the calculation, verification and reporting of data and establishing data formats for the purposes of Directive 2012/19/EU of the

European Parliament and of the Council on waste electrical and electronic equipment (WEEE). (1026/2021)

Section 9

Environmental permit

Provisions on applications for an environmental permit for the storage and other treatment of waste electrical and electronic equipment and the processing of permit matters are laid down in the Environmental Protection Act (527/2014). (105/2015)

The environmental permit shall provide the regulations necessary for compliance with the obligations in accordance with section 7 on the storage and other treatment of waste.

Section 10

Transboundary shipments

Provisions on transboundary shipments of waste electrical and electronic equipment are laid down in the Waste Act and in Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. In addition, the minimum requirements referred to in Annex 6 shall be complied with in shipments of used electrical and electronic equipment suspected of being waste electrical and electronic equipment. (1026/2021)

Shipments of waste electrical and electronic equipment for treatment in a country other than a Member State of the European Union shall only count towards the recovery targets in accordance with section 8 if the exporter can reliably prove that the treatment of the waste is organised in a manner equivalent to the requirements of this Decree.

Section 11

Markings of waste electrical and electronic equipment

The producer shall ensure that:

- 1) electrical and electronic equipment placed on the market is marked with the symbol in accordance with Annex 7;
- 2) electrical and electronic equipment placed on the market on or after 14 August 2005 is marked to the effect that the equipment was placed on the market on or after that date.

In exceptional cases, where this is necessary because of the size or the function of the equipment, the symbol referred to in subsection 1, paragraph 1 may be printed on the packaging, on the instructions for use and the on the warranty.

Section 11a (1026/2021)

Producers' payment contributions

All payment contributions made by producers to carry out their producer responsibility obligation referred to in section 63a of the Waste Act shall, where possible, be determined specifically for each category of equipment referred to in Annex 2 in accordance with the following basic principles:

- 1) payments are made pro rata based on the quantity of electrical and electronic equipment placed on the market by the producer in such a way that the total quantity of equipment placed on the market by the producer does not affect the unit charge paid for the product;
- 2) payments provide an incentive to promote the order of priority laid down in section 8 of the Waste Act in particular by providing an incentive to reduce the quantity of waste in such a way that payment contributions are lower for electrical and electronic equipment that is durable, repairable and upgradable;
- 3) payments provide an incentive for long equipment lifetimes by payments being lower for equipment that comes with a longer warranty and for which spare parts are readily available;
- 4) the recyclability and other characteristics of discarded electrical and electronic equipment are taken into account in the determination of payment contributions;
- 5) payments are higher for such electrical and electronic equipment which has factors that impede sorting, which is not recyclable, which is only partly recyclable or which contains hazardous substances or hampers the functioning of existing recycling systems;
- 6) payments provide an incentive for increasing the share of recycled material contained by electrical and electronic equipment, taking account of the other characteristics of the equipment in accordance with the principles presented in paragraphs 1–5, however;
- 7) the sum total of the payment contributions of all of the producers belonging to the producer responsibility organisation covers the total costs arising from carrying out the obligations laid down for the producer responsibility organisation;

8) the criteria used for the payment contributions are commonly used by equipment manufacturers, public, transparent and clearly verifiable by product.

Paragraphs 2–6 of subsection 1 do not apply to administrative charges.

The determination of administrative charges may deviate from the provision of subsection 1, paragraph 1 on making payments pro rata based on the quantity of electrical and electronic equipment placed on the market by the producer. In such cases, administrative charges shall be determined in such a way that their share is not unreasonably high compared with the quantity of electrical and electronic equipment placed on the market by the producer and with the payments based on waste management and other producer responsibility obligations relating to the equipment.

Section 12

Provision of information for users

The producer shall, by means of public information campaigns and other information, advice and awareness measures ensure that households are provided with comprehensive information about:

- 1) the separate collection requirements and collection instructions for waste electrical and electronic equipment;
- 2) the available separate collection systems and reception points for waste electrical and electronic equipment;
- 3) how households can promote preparing for re-use, recycling and other recovery of waste electrical and electronic equipment;
- 4) any environmental and health impacts of hazardous substances, mixtures and components in the equipment;
- 5) the symbol referred to in section 11, subsection 1; (1026/2021)
- 6) the potential for reducing the quantity and harmfulness of waste and preventing littering. (1026/2021)

The producer shall ensure that other users of electrical and electronic equipment than households receive information about the separate collection of waste electrical and electronic equipment,

about their opportunities to deliver waste electrical and electronic equipment to reception organised by the producer and about other matters necessary to promote waste recovery.

Provisions on the producer's obligation to publish information on the fulfilment of its obligations concerning the separate collection and recovery of waste are laid down in section 54 of the Waste Act. Provisions on the obligation of a producer responsibility organisation to publish information on its owners and members, on payments levied from producers as well as on the general principles and procedures followed in their service procurement are laid down in sections 63 and 66 of the Act. (1026/2021)

Section 13

Information to be provided for treatment operators

In order to promote the maintenance, upgrade and refurbishment of electrical and electronic equipment and the preparing for re-use and recycling of waste electrical and electronic equipment, the producer shall provide enterprises and entities in the sector free of charge with information relating to preparing for re-use and to treatment in respect of each new type of electrical and electronic equipment placed for the first time on the European Union market within one year after the equipment is placed on the market. If necessary in order to comply with the provisions of this Decree on waste treatment, this information shall identify the different components and materials of the electrical and electronic equipment, as well as the locations of hazardous substances and mixtures in the equipment. The information shall be provided in the form of a manual or electronically.

Section 14 (1026/2021)

Authorised representative's obligation to provide information

An authorised representative referred to in section 66a of the Waste Act shall, without delay, provide information about its authorisation and acceptance into a producer register as well as about any amendment or cancellation of the authorisation or acceptance to a producer for the fulfilment of whose obligations the authorised representative is responsible. If the above-mentioned producer, instead of which the authorised representative carries out the producer responsibility obligations for that waste electrical and electronic equipment, is a member of a producer responsibility organisation, the authorised representative shall, in addition, notify the producer responsibility organisation of its authorisation and the authorisation date without delay.

The authorised representative shall provide information in accordance with the provisions of subsection 1 on the type, nature and quantity of products placed by it on the market and present how compliance with producer responsibility obligations is organised. In addition, the producer responsibility organisation shall be informed who would have been responsible for the producer responsibility obligations for the said products in the absence of the authorisation granted.

Section 14a (1026/2021)

Self-monitoring

The plan for self-monitoring referred to in section 53a of the Waste Act shall contain:

- 1) an account of the compilation of the monitoring data referred to in section 19 and an assessment of the reliability of the data as well as a plan on the development of the reliability of data;
- 2) an assessment of the fulfilment of the producer's cost responsibility referred to in section 46 of the Waste Act;
- 3) an account of the producer's payment contributions referred to in section 63a of the Waste Act and in section 11a of this Decree as well as the criteria for their adjustment and their monitoring;
- 4) the procedures for the regular reassessment and development of the payment contributions and the criteria for their adjustment referred to in paragraph 3;
- 5) a plan on the implementation and organisation of self-monitoring and the audits conducted to support self-monitoring.

Audits to support self-monitoring shall be conducted by an auditor who is an impartial third party independent of the producer, producer responsibility organisation and its owners. The auditor shall have the necessary knowledge, skills and other qualifications for the performance of the task. Audits may be conducted in multiple parts, taking account of the auditor's special expertise, or included in another equivalent external audit of the activities of the producer responsibility organisation. If the producer has a certified management system, the audit may be incorporated into that system.

Section 15 (1026/2021)

Producer's application for acceptance into the producer register

A producer's application for acceptance into the producer register referred to in section 101, subsection 1 of the Waste Act shall contain:

- 1) the producer's name, postal address and contact details, geographical address, telephone and fax number, email address as well as the name and contact details of a contact person;
- 2) the producer's business identity code and the producer's European or national tax number;
- 3) information on the electrical and electronic equipment placed on the market by the producer specified, where necessary, by category of equipment in accordance with Annex 2 and divided by type of equipment into household and non-household electrical and electronic equipment and an assessment of the quantity of equipment in tonnes per year;
- 4) information on the names and trademarks of the electrical and electronic equipment placed on the market by the producer;
- 5) information on the collection and other waste management of waste electrical and electronic equipment organised by the producer, information on the guarantee laid down in section 61 of the Waste Act and an assessment of the quantity, in tonnes per year, of waste electrical and electronic equipment included in waste management organised by the producer specified, where necessary, in accordance with the provisions of paragraph 3;
- 6) an account of agreements concerning preparing for re-use and organising waste management and of the environmental permits and any environmental management systems of the contractual partners;
- 7) a plan on the provision of information on electrical and electronic equipment and on reception of waste electrical and electronic equipment;
- 8) information on the selling technique used;
- 9) a list of the Member States to which the producer sells electrical and electronic equipment by distance selling directly to users and the names of any authorised representatives in those Member States;
- 10) the self-monitoring plan;

11) a declaration stating that the information provided is true;

12) the date on which the application was made.

If the application referred to in subsection 1 is submitted by an authorised representative of a producer referred to in section 66a, subsection 2 of the Waste Act, the application shall contain information equivalent to information referred to in subsection 1, paragraphs 1 and 2 of this section concerning the producer that provided the authorisation. If the application is submitted by an authorised representative of an operator referred to in section 66a, subsection 3 of the said Act, the application shall contain equivalent information on the operator. In the said cases, a declaration stating that the authorised representative was appointed under a written authorisation in accordance with the provisions of section 66b, subsection 1 of the Waste Act shall, in addition, be provided.

Section 16 (1026/2021)

Producer responsibility organisation's application for acceptance into the producer register

A producer responsibility organisation's application for acceptance into the producer register referred to in section 101, subsection 1 of the Waste Act shall contain:

- 1) the producer responsibility organisation's name or business name, contact and address details, contact person's name, position and contact details, and business identity code;
- 2) the information referred to in section 15, subsection 1, paragraphs 1, 2, 8 and 9 concerning the producers belonging to the producer responsibility organisation and the dates on which they joined the producer responsibility organisation, and the name, business identity code and scope of activity of each founder of the producer responsibility organisation;
- 3) information on the electrical and electronic equipment placed on the market by producers belonging to the producer responsibility organisation specified, where necessary, by category of equipment in accordance with Annex 1 or 2 and divided by type of equipment into household and non-household electrical and electronic equipment and an assessment of the quantity of equipment in tonnes per year;
- 4) information on the names and trademarks of the electrical and electronic equipment placed on the market by the producers belonging to the producer responsibility organisation;

- 5) an account of the division of obligations between the producers and of how new producers can agree on the carrying out of producer responsibility with the producer responsibility organisation;
- 6) information on the reception point network, transport, re-use, preparing for re-use, recycling and other waste management for waste electrical and electronic equipment organised by the producer responsibility organisation as well as an assessment of the quantity, in tonnes per year, of waste electrical and electronic equipment included in waste management organised by the producer responsibility organisation specified, if necessary, in accordance with the provisions of paragraph 3;
- 7) an account of agreements concerning preparing for re-use and organising waste management and of the environmental permits and any environmental management systems of the contractual partners;
- 8) a plan on the provision of information on electrical and electronic equipment and on reception of waste electrical and electronic equipment;
- 9) the self-monitoring plan;
- 10) a report on the producer responsibility organisation's sufficient financial arrangements for the appropriate organisation of its activities;
- 11) a declaration stating that the information provided is true;
- 12) the date on which the application was made.

Section 16a (1026/2021)

Notification of changes in activities

The notification referred to in section 106 of the Waste Act concerning substantial changes in activities and changes of members of the producer responsibility organisation shall be submitted within one month of any change.

Provisions on when to submit the report on sufficient financial arrangements and the securing of activities as well as the action plan if the activities of the producer responsibility organisation substantially change are laid down in section 64 of the Waste Act.

Section 17

Refund of payments to producers

To implement the equal treatment of producers, the producer responsibility organisation shall ensure that producers are refunded for payments they have made for attendance to producer responsibility obligations for electrical and electronic equipment if the equipment is, due to changed circumstances, placed on the market elsewhere than in Finland.

Section 18

Specific regulations issued to promote re-use

A decision concerning the acceptance of a producer and producer responsibility organisation into the producer register shall issue the necessary regulations concerning the operators' obligation to develop cooperation with enterprises and entities engaged in preparing for re-use of electrical and electronic equipment in order to promote the re-use of used appliances and preparing of waste electrical and electronic equipment for re-use.

Section 19 (1026/2021)

Notification of monitoring data

A producer or a producer responsibility organisation acting on behalf of its members shall notify the Centre for Economic Development, Transport and the Environment for Pirkanmaa by the end of June of each year of the following information on its activities during the previous year:

- 1) the business identity code of the producer or producer responsibility organisation;
- 2) the period of time covered by the monitoring data;
- 3) the quantity of electrical and electronic equipment placed on the market in Finland;
- 4) the quantity of separately collected waste electrical and electronic equipment;
- 5) the quantity of waste electrical and electronic equipment shipped to another country;
- 6) the quantity of waste electrical and electronic equipment as well as its components, materials and substances prepared for re-use, recycled or in other ways treated, specified by treatment facility, as well as the name and location of the treatment facility;

- 7) the attained collection rate of waste electrical and electronic equipment and the attained recovery rate of separately collected waste electrical and electronic equipment;
- 8) the provision of information on electrical and electronic equipment and waste electrical and electronic equipment carried out;
- 9) information on the measures and audits required by the self-monitoring plan.

The information referred to in subsection 1 above shall be accompanied by a report referred to in section 64, subsection 1 of the Waste Act on sufficient financial arrangements as well as a reassessed action plan on organising waste management for discarded electrical and electronic equipment. The report on financial arrangements shall include the adopted financial statements for the most recent financial period and the budget for the financial period underway. If the said documents cannot be submitted, other reliable proof shall be provided of sufficient financial arrangements.

The information provided shall also be accompanied by an account of the assessment and calculation principles for the data submitted. The information referred to in subsection 1, paragraphs 3–7 above shall be provided by category of equipment in accordance with Annex 2 and divided by type of equipment into household and non-household electrical and electronic equipment. Quantity data shall be provided by weight in tonnes per year. The provision of the information referred to in subsection 1 above shall, in addition, comply with the Commission Decision specified in section 8, subsection 2.

Section 20 (1026/2021)

Compilation of data for monitoring and supervision

In order to monitor and supervise compliance with the obligations laid down in this Decree, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall annually check and compile the monitoring data referred to in section 19. The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall also compile the other necessary information and assessments concerning the quantity of electrical and electronic equipment placed on the market in Finland, the aggregate quantity of waste electrical and electronic equipment separately collected, prepared for re-use, recycled or otherwise treated in Finland and the quantity of separately collected waste electrical and electronic equipment shipped to another country. The compilation shall provide an account of the assessment and calculation principles for the data submitted.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall submit the information referred to in subsection 1 to the European Commission within 18 months from the end of the calendar year for which the data is compiled in accordance with the Commission Decision specified in section 8, subsection 2.

Where necessary, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall make the information referred to in subsections 1 and 2 as well as in section 19 available to treatment facilities of waste electrical and electronic equipment and to authorities supervising transboundary shipments of waste electrical and electronic equipment for inspection and other supervisory measures.

Section 21 (1026/2021)

Cooperation and exchange of information with other Member States of the European Union

To ensure the appropriate implementation of section 66a of the Waste Act and the provisions of this Decree, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall, for its part, ensure cooperation and a sufficient flow of information with relevant authorities of other Member States of the European Union. The cooperation shall include granting access to relevant documents, information and audit results, unless otherwise provided in the Act on the Openness of Government Activities (621/1999), the Data Protection Act (1050/2018) or Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). Electronic transmission of data shall be used in the cooperation and exchange of information included in producer registers. To promote the implementation and supervision of the registration procedure, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall publish on its website links to the producer registers or the website of the authority supervising producer responsibility of the other Member States of the European Union.

Section 22 (1026/2021)

Market surveillance

The market surveillance authority for electrical and electronic equipment referred to in section 24a of the Waste Act supervises compliance with sections 3 and 11 of this Decree.

Provisions on market surveillance are laid down in Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 as well as in the Act on the Market Surveillance of Certain Products (1137/2016).

Section 23

Transitional provisions and entry into force

This Decree enters into force on 15 July 2014.

This Decree repeals the Government Decree on Waste Electrical and Electronic Equipment (852/2004). Section 4 of the repealed Decree applies, however, until 30 October 2015.

Section 2, subsection 1, paragraph 15 of this Decree applies from 1 June 2015. Until the said date, a mixture considered as a hazardous mixture is a mixture that is classified as a dangerous mixture under Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations.

Section 3 of this Decree applies from 1 November 2015 and section 6, subsection 1, paragraphs 4 and 5 from 1 January 2015.

The summary referred to in section 19 above shall be submitted for the first time in 2015.

The first report referred to in section 21 shall cover the period between 14 February 2014 and 31 December 2015.

A producer, or the producer responsibility organisation representing the producer, that was accepted into the producer register prior to the entry into force of this Decree shall check that the information provided meets the requirements laid down in this Decree and, where necessary, shall submit the revised information to the Centre for Economic Development, Transport and the Environment for Pirkanmaa no later than 31 December 2014.

Annex 1 was repealed by Decree 1026/2021.

Annex 2

Categories of electrical and electronic equipment covered by this Decree (section 1, subsection 2) (1026/2021)

Each category of equipment listed below includes a list of examples of electrical and electronic equipment belonging to the category.

1. Temperature exchange equipment

Refrigerators, freezers, equipment which automatically delivers cold products, air conditioning equipment, dehumidifying equipment, heat pumps, radiators containing oil and other temperature exchange equipment using fluids other than water for the temperature exchange.

2. Screens, monitors and equipment containing screens having a surface greater than 100 cm²

Screens, televisions, LCD photo frames, monitors, laptops and notebooks.

3. Lamps

Straight fluorescent lamps, compact fluorescent lamps, fluorescent lamps, high intensity discharge lamps – including pressure sodium lamps and metal halide lamps, low pressure sodium lamps, LED lamps.

4. Large equipment (any external dimension more than 50 cm), such as household appliances, IT and telecommunication equipment, consumer equipment, luminaires, equipment reproducing sound or images, musical equipment, electrical and electronic tools, toys, leisure and sports equipment, medical devices, monitoring and control instruments, automatic dispensers, equipment for the generation of electric currents; this category does not include equipment included in categories 1–3

Washing machines, clothes dryers, dish washing machines, cookers, electric stoves, electric hot plates, luminaires, equipment reproducing sound or images, musical equipment (excluding pipe organs installed in churches), appliances for knitting and weaving, large computer-mainframes, large printing machines, copying equipment, large coin slot machines, large medical devices, large monitoring and control instruments, large appliances which automatically deliver products and money, photovoltaic panels.

5. Small equipment (no external dimension more than 50 cm), such as household appliances, consumer equipment, luminaires, equipment reproducing sound or images, musical equipment, electrical and electronic tools, toys, leisure and sports equipment, medical devices, monitoring and control instruments, automatic dispensers, equipment for the generation of electric currents; this category does not include equipment included in categories 1–3 and 6

Vacuum cleaners, carpet sweepers, appliances for sewing, luminaires, microwaves, ventilation equipment, irons, toasters, electric knives, electric kettles, clocks and watches, electric shavers, scales, appliances for hair and body care, calculators, radio sets, video cameras, video recorders, hi-fi equipment, musical instruments, equipment reproducing sound or images, electrical and electronic toys, sports equipment, computers for biking, diving, running, rowing, etc., smoke detectors, heating regulators, thermostats, small electrical and electronic tools, small medical devices, small monitoring and control instruments, small appliances which automatically deliver products, small equipment with integrated photovoltaic panels.

6. Small IT and telecommunication equipment (no external dimension more than 50 cm)

Mobile phones, GPS, pocket calculators, routers, personal computers, printers, telephones.

Annex 3

Minimum requirements for the treatment of waste electrical and electronic equipment

1. Re-use shall be promoted as follows:

The suitability for re-use of used electrical and electronic equipment and its components delivered to a reception point shall be evaluated. Re-usable equipment and components shall be directed for re-use where possible.

Paragraphs 2 and 3 shall be applied in such a way that the re-use, preparing for re-use or recycling of whole appliances or components is not prevented or hindered.

2. As a minimum the following substances, mixtures and components shall be removed from any separately collected waste electrical and electronic equipment:

– capacitors containing polychlorinated biphenyls (PCB) in the manner laid down in the Government Decree on restrictions on the use of PCB equipment and the treatment of PCB waste (958/2016); (959/2016)

- switches, backlighting lamps and other components containing mercury;
- batteries and accumulators;
- printed circuit boards of mobile phones and of other devices if the surface of the circuit board is greater than 10 cm²;
- toner cartridges for liquid and paste as well as other toners;
- plastic containing brominated flame retardants;
- asbestos waste and components which contain asbestos;
- cathode ray tubes;
- chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC), hydrofluorocarbons (HFC) and hydrocarbons (HC);
- gas discharge lamps;
- liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 cm² and all those back-lighted with gas discharge lamps;
- external electric cables;
- components containing refractory ceramic fibres in accordance with Part 3 of Annex VI to the CLP Regulation;
- components containing radioactive substances with the exception of components that are below the exemption thresholds set in Article 3 of and Annex I to Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation; the Directive has been implemented in Finland by the Radiation and Nuclear Safety Authority's ST Guide 1.5, Exemption of Radiation Use from Safety Licensing issued under section 70, subsection 2 of the Radiation Act (592/1991);
- electrolyte capacitors containing potentially harmful substances (height > 25 mm, diameter > 25 mm or proportionately similar volume).

Removed substances, mixtures and components shall be treated in compliance with the Waste Act.

3. The following components of waste electrical and electronic equipment that is separately collected shall be treated as indicated:

- cathode ray tubes: the fluorescent coating shall be removed;
- equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15 and that are used in foams and refrigeration circuits: the gases shall be properly extracted and properly treated; ozone-depleting gases shall be treated in accordance with Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer;
- gas discharge lamps: the mercury shall be removed.

Annex 4

Technical minimum requirements for storage and treatment sites

1. Sites for storage (including temporary storage) of waste electrical and electronic equipment where waste is stored prior to its treatment shall have:

- impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers;
- weatherproof covering for appropriate areas.

2. Sites for treatment of waste electrical and electronic equipment shall have:

- scales to measure the weight of the treated waste;
- impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers;
- appropriate storage for disassembled spare parts;
- appropriate containers for storage of batteries, capacitors containing polychlorinated biphenyls and polychlorinated terphenyls (PCBs/PCTs) and other hazardous waste and radioactive waste;
- necessary equipment for the treatment of waste water.

Annex 5 (1026/2021)

Minimum targets for the recovery of waste electrical and electronic equipment

Minimum targets applicable to categories of equipment listed in Annex 2:

a) for waste electrical and electronic equipment falling within category 1 or 4

– 85 per cent shall be recovered and

– 80 per cent shall be prepared for re-use and recycled;

b) for waste electrical and electronic equipment falling within category 2

– 80 per cent shall be recovered and

– 70 per cent shall be prepared for re-use and recycled;

c) for waste electrical and electronic equipment falling within category 5 or 6

– 75 per cent shall be recovered and

– 55 per cent shall be prepared for re-use and recycled;

d) for waste electrical and electronic equipment falling within category 3, 80 per cent shall be recycled.

Annex 6

Minimum requirements for transboundary shipments of used electrical and electronic equipment and their supervision and monitoring

1. In order to distinguish between electrical and electronic equipment and waste electrical and electronic equipment, where the holder of the item claims that it intends to ship or is shipping used electrical and electronic equipment and not waste electrical and electronic equipment, the holder shall have available the following evidence to substantiate this claim:

a) a copy of the invoice and contract relating to the sale or transfer of ownership of the electrical and electronic equipment which states that the equipment is destined for direct re-use and that it is fully functional;

b) evidence of evaluation or testing, including a copy of the certificate of testing or proof of functionality, on every item within the consignment and a protocol containing all record information in accordance with paragraph 3;

c) a declaration made by the arranger of the transport of the electrical and electronic equipment that none of the material or equipment within the consignment is waste; and

d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.

2. Paragraph 1, subparagraphs a) and b) above and paragraph 3 below do not apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:

a) the electrical and electronic equipment is sent back to the producer or a third party acting on its behalf as defective for repair under warranty with the intention of re-use;

b) the used electrical and electronic equipment for professional use is sent to the producer or a third party acting on its behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or

c) the defective used electrical and electronic equipment for professional use, such as medical devices or their parts, is sent to the producer or a third party acting on its behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on its behalf.

3. In order to demonstrate that the items being shipped constitute used electrical and electronic equipment rather than waste electrical and electronic equipment, the following steps for testing and record-keeping for used electrical and electronic equipment shall be carried out:

Step 1, testing:

a) Functionality shall be tested and the presence of hazardous substances and mixtures shall be evaluated. The tests to be conducted depend on the kind of electrical and electronic equipment. For most of the used electrical and electronic equipment, a functionality test of the key functions is sufficient.

b) Results of evaluation and testing shall be recorded.

Step 2, record:

a) The record of test results shall be fixed securely but not permanently on either the electrical and electronic equipment itself (if not packed) or on the packaging so it can be read without unpacking the equipment.

b) The record shall contain the following information:

- name of item and, as appropriate, category set out in Annex 1 or 2;
- identification number or type number of the item where applicable;
- year of production, if available;
- name and address of the company responsible for evidence of functionality;
- result of tests as described in step 1, including date of the functionality test;
- kind of tests performed.

4. In addition to the documentation required in paragraphs 1, 2 and 3 above, every load of used electrical and electronic equipment shall be accompanied by:

- a) a relevant transport document, such as CMR or waybill;
- b) a declaration by the liable person on its responsibility.

5. Possible illegal shipment

In the absence of proof that an item is used electrical and electronic equipment and not waste electrical and electronic equipment through the appropriate documentation required in paragraphs 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the arranger of the transport, the item shall be considered as waste electrical and electronic equipment and the shipment of the waste shall be examined as possibly being an illegal shipment.

Annex 7

Symbol for the marking of electrical and electronic equipment

The symbol showing a crossed-out wheeled bin, as shown below, shall be printed visibly, legibly and indelibly on electrical and electronic equipment. The symbol indicates that electrical and electronic equipment marked with it shall be collected separately from other waste.



Entry into force and application of transitional provisions:

105/2015:

This Decree enters into force on 20 February 2015.

959/2016:

This Decree enters into force on 1 January 2017.

1026/2021:

This Decree enters into force on 1 December 2021. Its section 22 shall, however, not enter into force until 1 January 2022.